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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/873,785	KANOJIA ET AL	
	Examiner	Art Unit	
	KIEU-OANH T. BUI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 and 65-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63, 65-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. In view of the pre-appeal brief filed on 03/20/2006, PROSECUTION IS HEREBY REOPENED. A new office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

JOHN MILLER.


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Remarks

2. Claims 31 and 64 were canceled in the amendment dated 8/18/05. Pending claims are claims 1-30, 32-63, and 65-67.

Response to Arguments

3. Applicant's arguments with respect to claims 1-30, 32-63, and 65-67 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-30, 33-63, and 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. Patent 6,177,931) in view of Sahota (U.S. Patent Pub 2002/0010928 A1).

Regarding claim 1, Alexander discloses a system for displaying promotion on a viewing device comprising a display for displaying to a viewer, a network device coupled to the display device, the network device configured to receive a promotion and a transmission schedule wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display, and in response to the condition occurring, activate the promotion for display in the display, i.e., a computer at the headend of the cable television system served as a network device for gathering or collecting the user's information data or profile (col. 29/lines 14-21), and the headend computer system analyzes and provides promotion

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or advertisements corresponding to the user's profile or preferences (col. 29/line 30 to col. 30/line 44), and particularly, the promotion does not activate to display to the viewer until a transmission schedule comprising control data that triggers or activates the promotion based on a specified condition, for instance, such as when and how to deliver targeted advertisements or promotions to the viewer (refer to col. 32/lines 24-54 & col. 32/line 61 to col. 33/line 43, with an example to clearly showing two different viewers even tunes to the same time on a same day when they view television programs, but based on their distinct profiles, one prefers "Nova" will see advertisements related to educational computer while the other one watches Major League Baseball, and he will see an advertisement for Good Year Tires instead.

Applicants argue that Alexander does not clearly show the "transmission schedule wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in a display"; however, Sahota teaches the same feature, simply put in other words, the control data is the ATVEF and/or VBI encoding that provides the trigger in providing the promotion or commercial/advertisement at a scheduled time (see Sahota, Figs. 1-4 and page 4/par. 0044-0048 for time to play the TV commercial, length of the commercial and based on ATVEF triggers or VBI encoding embedded into the video broadcast stream). Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander's system with Sahota's teaching technique of using ATVEF triggers as control data that specifies or indicates a condition for activating the promotion or advertisement for display in a display.

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As for Claim 2, Alexander et al. teach the promotion is stored locally on the network device (see col. 33 lines 44-47 "In one embodiment of this invention, a data base of advertising messages and virtual channel ads is stored in RAM at the viewer terminal or is accessible at a web site if the viewer terminal has an Internet connection.").

As for Claim 3, Alexander et al. teach the promotion is stored in a network stream (see cot. 33 lines 44-47 "In one embodiment of this invention, a data base of advertising messages and virtual channel ads is stored in RAM at the viewer terminal or is accessible at a web site if the viewer terminal has an Internet connection." When the advertisement message is accessible from a web site, it is interpreted that the promotions are stored in a network stream).

As for Claim 4, Alexander et al. teach the promotion is viewed in a dedicated channel (see cot. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42." The channel where the infomercial is telecast is interpreted to be a dedicated channel where the promotion (Infomercial) airs.)

As for Claim 5, Alexander et al. teach the promotion is viewed in a virtual channel (see cot. 17 lines 39-47 "the EPG provides the viewer the opportunity to select Virtual Channel Ad Slots or Ad Window displays that advertise future-scheduled television programs and get additional information in the way of text or video clips.").

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As for Claim 6, Alexander et al. teach the promotion is located using a local moniker (see col. 32 line 61- col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.". The names of the channels (such as ABC, NBC, FOX, ESPN etc) are local monikers. Since the advertisements are telecast on particular channels, the names of these particular channels are interpreted to be local monikers that are used to locate the promotion to be displayed.)

As for Claim 7, Alexander et al. teach the display is an electronic program guide (see Fig. 1 unit 22 Electronic Program Guide, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown.").

As for Claim 8, Alexander et al. teach the electronic program guide is a full-screen guide (see col. 7 lines 19-30 "In the EPG Grid Guide Mode, the EPG displays the Grid Guide, or in the alternative, a Channel Guide. The viewer can request that the Grid Guide occupy the entire screen, be displayed over a portion of the screen as an overlay of the video television programming").

As for Claim 9, Alexander et al. teach the electronic program guide is a partial-screen guide (see Fig. 1, unit 22 Electronic Program Guide, see col. 7 lines 19-30 "In the EPG Grid Guide Mode, the EPG displays the Grid Guide, or in the alternative, a Channel Guide. The viewer can request that the Grid Guide occupy the entire screen, be displayed over a portion of the screen as an overlay of the video television programming").

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As for Claim 10, Alexander et al. teach the promotion is displayed in the electronic program guide (see Fig. 1 unit 14, 16 Ad Window 1 and 2, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown." And col. 4 lines 28-36 "Typically, an ad for a future telecast program is displayed in window 14....Typically, an ad for a product or service is displayed in window 16.").

As for Claim 11, Alexander et al. teach the promotion is displayed as a banner (see col. 24 lines 42-55 "Ads may feature, among other things, a graphics field, a text field or a combination of a graphics and text field. Graphics are typically presented in 8 bit/pixel (using "320 mode"), 4 bit/pixel (in "640 mode") and 1-bit/pixel images ... The remaining portion of the Channel ad will typically be text only" When the Ads are presented with graphics and text only, the ads are interpreted to be displayed as banners.)

As for Claim 12, Alexander et al. teach the promotion is displayed as a hot spot (see col. 4 lines 28-33 "Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to watch the program, or the green right action button to record the program." Since the Ad is linked to more information the user can access by pressing a button, the Ad window is interpreted to be a hot spot).

As for Claim 13, Alexander et al. teach the promotion is displayed as a full motion stream (see col. 4 lines 35-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42." When the viewer watches a channel that is showing an infomercial about the product or service, it is interpreted that the infomercial is a promotion that is displayed as a full motion stream.).

As for Claim 14, Alexander et al. teach the promotion is displayed on a personal video recorder (see Fig. 1 unit 46 Record, and col. 7 line 58 - col. 8 line 3 "In the Record Selection Function, also referred to as the Recording Function, the viewer instructs the EPG what programs to add to the Record List, which is the list of programs and related programming schedule information, for programs that the viewer want to have recorded. As is further described below, the viewer can identify the frequency/regularity with which the viewer wants to record each program listed in the Record List." Since the EPG system can be instructed to record upcoming shows, it is interpreted that the system is a personal video recorder where promotions are displayed.)

As for Claim 15, Alexander et al. teach the promotion is selectable to facilitate interactions between the viewer and the promotion (see col. 4 lines 28-33 "Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by

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pressing the blue left action button to watch the program, or the green right action button to record the program.").

As for Claim 16, Alexander et al. teach the promotion is displayed over the entire viewable area of the display (see col. 24 lines 21-29 "When the viewer first enters the EPG, the EPG can display a full screen ad, such as an ad that would be displayed in the Ad Window.").

As for Claim 17, Alexander et al. teach the promotion is displayed over a portion of the viewable area of the display (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown." And col. 4 lines 28-36 "Typically, an ad for a future telecast program is displayed in window 14.... Typically, an ad for a product or service is displayed in window 16.").

As for Claim 18, Alexander et al. teach multiple promotions are displayed, each promotion being independently selectable to facilitate interactions between the viewer and the selected promotion (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown." And col. 4 lines 28-43 "Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to watch the program, or the green right action button to record the program. Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to

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the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42:").

As for Claim 19, Alexander et al. teach the promotions are displayed over the entire viewable area of the display (see col. 24 lines 21-29 "When the viewer first enters the EPG, the EPG can display a full screen ad, such as an ad that would be displayed in the Ad Window. The viewer can interact with the full screen ad in the same manner in which the viewer can interact with the Ad Window. That is, the viewer can instruct the EPG to record, or to add to the watch list, the infomercial or program, if there is one that is associated with the advertisement.")

As for Claim 20, Alexander et al. teach the promotions are displayed over a portion of the viewable area of the display (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown." And col. 4 lines 28-36 "Typically, an ad for a future telecast program is displayed in window 14. . . Typically, an ad for a product or service is displayed in window IV).

As for Claim 21, Alexander et al. teach the condition is triggered by the interaction of the viewer with the network device (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42".)

As for Claim 22, Alexander et al. teach when the viewer accepts the promotion, the channel to which the network device is tuned to changes (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42".)

As for Claim 23, Alexander et al. teach the condition is triggered by a program the viewer is watching (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42". It is interpreted that the program the viewer is watching is the Ad displayed on window 16, and the link to the ad that viewer is watching triggers the selector (EPG system) to telecast or record the infomercial.)

As for Claim 24, Alexander et al. teach the condition is triggered by a program schedule (see col. 9 line 65 - col. 10 line 12 "The EPG provides the viewer with the opportunity to select program titles, scheduled for delivery at future times, to watch. By selecting program titles, the viewer builds a "watch list." Watch list options and instructions provide functionality parallel to the EPG's Record Function. Instead of automatically recording the programs selected, the Watch Function automatically turns the television on, if it is not

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already on, and automatically tunes the television to the channel scheduled to deliver the designated program, if the television is not already tuned to that channel." The Watch List the user creates is interpreted to be a program schedule that triggers the EPG system to turn the television on if it is not on, and tune to the appropriate channel.)

As for Claim 25, Alexander et al. teach the condition is triggered by past promotion acceptance of the viewer (see col. 28 lines 11-45 "Every time the viewer interacts with the EPG or the television, the EPG records the viewer's actions and the circumstances surrounding those actions. For instance, when the viewer changes channels, the EPG records, among other things, information about the first channel, the changed-to channel, the time that the change was made, the identification of the programming that was displayed on the first channel, the identification of the programming that was displayed on the changed-to channel, the time of the change, the identification of any advertisement that was displayed on the first channel at the time of the change, the identification of any advertisement that was displayed on the changed-to channel" The data collected on the viewer's interaction (such as the advertisement that was displayed when a viewer changed the channel) is used to form a viewer profile, which is in turn used to present targeted promotion to the user (see col. 32 lines 24-27 "The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user."))

As for Claim 26, Alexander et al. teach the condition is triggered by a location that the promotion appears within the display (see col. 4 lines 35-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one, or more pages about the product or service in window

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16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42."). It is interpreted that the location of the Ad in Ad Window 2 triggers the EPG to cause a promotion (Infomercial) to be shown on the display because if the ad was not in location of Ad Window 2 (16), an Infomercial about the product would not be shown.

As for Claim 27, Alexander et al. teach the promotions are selected based on a viewership profile of the network device (see col. 32 lines 24-27 "The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user.>").

As for Claim 28, Alexander et al. teach the promotions are selected based on the demographics of the viewer (see col. 32 lines 35-55 "One example is customizing an overlay message to an advertisement on a local geographic basis. For instance, the EPG knows the geographic location of the individual viewer. The broadcaster can packet match on the zip code to customize the message so each zip code gets a different message, i.e., the 3 Burger Kings in the viewer's local area." The geographical area a viewer is located is interpreted to be demographics of the viewer).

As for Claim 29, Alexander et al. teach a channel to which the network device is tuned is a trigger that triggers the condition (see col. 32 line 61 - col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast,

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said changed channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.")

As for Claim 30, Alexander et al. teach the trigger is embedded in a broadcast stream (see col. 32 line 61- col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.". The change channel command in the VBI is the trigger and it is embedded in a broadcast stream.)

(Claim 31 was canceled).

As for Claims 32 and 65, Sahota further teaches "the trigger is embedded in a ATVEF stream" and "the condition is triggered by a trigger that is embedded in a ATVEF stream" (Sahota, page 4/par. 0046-0048).

As for Claim 33, Alexander et al. teach the trigger is embedded in a Vertical Blanking Interval (VBI) stream (see col. 32 line 61-col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.")

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As for Claims 34 and 67, Sahota further teaches “wherein the trigger is embedded in a MPEG stream” and “wherein the condition is triggered by a trigger that is embedded in an MPEG stream” (see Sahota, page 4, par. 0046-0048 as MPEG multiplexing is used and the trigger ATVEF is within the MPEG stream).

As for claims 35-63, and 66, these claims for a method for displaying target promotions on a viewing device with same limitations addressed above are rejected for the reasons given in the scope of claims 1-30 and 33 as disclosed in details above, with the teaching of Sahota for the ATVEF trigger as control data within a transmission schedule in triggering the display of promotion data on the display as noted in claim 1 earlier.

Conclusion

6. The prior art of record and not relied upon is considered pertinent to applicant's disclosure:

Sahota (US 2000/0010928 A1) discloses a method and system for intergrating internet advertising with television commercials.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to "Krista" Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

July 07, 2006


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